



General Assembly

**Substitute Bill No. 5797**

February Session, 2008

\* \_\_\_\_\_HB05797JUD\_\_\_\_042108\_\_\_\_\_\*

**AN ACT CONCERNING THE AVAILABILITY OF QUALIFIED  
INTERPRETER SERVICES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2008*) (a) For purposes of this  
2       section, (1) "qualified interpreter" means a person who meets the  
3       requirements for the provision of interpreting services pursuant to  
4       section 46a-33a of the 2008 supplement to the general statutes; (2)  
5       "commission" means the Commission on the Deaf and Hearing  
6       Impaired; (3) "human services agency" means any state agency,  
7       authority, board, commission, committee, council, department,  
8       institution or office providing or having cognizance of any human  
9       service; (4) "law enforcement agency" has the same meaning as  
10      provided in section 54-240 of the general statutes; and (5) "person who  
11      is deaf or hearing impaired" and "employee who is deaf or hearing  
12      impaired" means a person with significant hearing loss whose primary  
13      mode of communication is American Sign Language or a variant of  
14      American Sign Language.

15      (b) (1) In any criminal or civil action involving a person who is deaf  
16      or hearing impaired, whether as a party or as a witness, such person  
17      shall be provided the services of a qualified interpreter throughout  
18      such proceeding. The court, acting on behalf of such person, may  
19      request that the commission assign qualified interpreters to interpret

20 for such person throughout the course of the proceeding.

21 (2) In any criminal investigation conducted by a law enforcement  
22 agency involving a person who is deaf or hearing impaired, whether as  
23 a victim, witness or suspect, the law enforcement agency shall make  
24 reasonable efforts to provide such person with the services of a  
25 qualified interpreter throughout the course of such investigation. No  
26 custodial interrogation of any deaf or hearing impaired suspect shall  
27 be conducted without a qualified interpreter, unless such suspect, after  
28 being apprised of his or her constitutional rights, knowingly and  
29 voluntarily waives his or her right to an interpreter. The law  
30 enforcement agency may (A) request that the commission assign  
31 qualified interpreters to interpret for such person, or (B) provide  
32 qualified interpreters who are not employees of the law enforcement  
33 agency, to interpret for such person throughout the course of the  
34 investigation.

35 (3) In any criminal investigation conducted by a law enforcement  
36 agency involving a child under the age of sixteen whose parent is a  
37 person who is deaf or hearing impaired, whether the child is a victim,  
38 witness or suspect, the law enforcement agency shall make reasonable  
39 efforts to provide such parent with the services of a qualified  
40 interpreter throughout the course of such investigation. The law  
41 enforcement agency may (A) request that the commission assign  
42 qualified interpreters to interpret for such parent, or (B) provide  
43 qualified interpreters who are not employees of such law enforcement  
44 agency, to interpret for such parent throughout the course of the  
45 investigation.

46 (c) In any proceeding before an administrative or executive board,  
47 commission, agency, bureau, committee or other body of the state or  
48 any of its political subdivisions involving a person who is deaf or  
49 hearing impaired, such body may (1) request that the commission  
50 assign qualified interpreters to interpret for such person, or (2) provide  
51 qualified interpreters who are not employees of such body, to interpret  
52 for such person throughout the course of the proceeding.

53 (d) In any proceeding before an administrative or executive board,  
54 committee or any similar body provided by an employer or by a labor  
55 organization to hear employee grievances involving an employee who  
56 is deaf or hearing impaired, such employer or labor organization shall  
57 (1) request that the commission assign qualified interpreters to  
58 interpret for such employee, or (2) provide qualified interpreters to  
59 interpret for such employee who are not employees of the employer or  
60 labor organization or a person on such administrative or executive  
61 board, committee or any similar body throughout the course of the  
62 proceeding. A qualified interpreter provided pursuant to subdivision  
63 (2) of this subsection may be an employee of the employer or labor  
64 organization if the employee who is deaf or hearing impaired, after  
65 being informed of his or her right to a nonemployee qualified  
66 interpreter, agrees to the services of a qualified interpreter who is an  
67 employee of the employer or labor organization, provided such  
68 interpreter shall not be any person on such administrative or executive  
69 board, committee or any similar body. For purposes of this subsection,  
70 proceeding includes any initial discussions between an employee who  
71 is deaf or hearing impaired and an employer or a labor organization  
72 representative, involving a matter that may potentially result in the  
73 filing of a grievance.

74 (e) Any school, institution of higher education, other educational  
75 facility or human services agency may request that the commission  
76 provide qualified interpreter services. Upon receiving such request, the  
77 commission shall use its best efforts to arrange for qualified interpreter  
78 services to accommodate the request.

79 (f) The commission shall process all requests for qualified  
80 interpreter services made to the commission pursuant to subsections  
81 (b) to (e), inclusive, of this section. Services provided by a qualified  
82 interpreter shall be on a fee-for-service basis and need not be provided  
83 by employees of the commission.

84 (g) The commission shall adopt regulations, in accordance with the  
85 provisions of chapter 54 of the general statutes, to implement the

86 provisions of this section.

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| This act shall take effect as follows and shall amend the following sections: |
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| Section 1 | <i>October 1, 2008</i> | New section |
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***HS***        *Joint Favorable Subst.*

***ED***        *Joint Favorable*

***JUD***       *Joint Favorable*